

Notice of Allowability

Application No.

09/558,260

Applicant(s)

CUNNINGHAM, DAVID W.

Examiner

Rachel L. Porter

Art Unit

3626



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the After-Final Amendment received 8/13/04.
2. ☒ The allowed claim(s) is/are 1-10 and 32-42.
3. ☒ The drawings filed on 8/14/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Notice to Applicant

1. Claims 11-31 have been canceled.

Information Disclosure Statement

2. The information disclosure statement filed June 23, 2000 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language (German Document No. DE431194A1). It has been placed in the application file, but the information referred to therein has not been considered.

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 is drawn to a method of activating and validating pharmaceutical product media by communicatively linking the media to a central computing station. The closest prior art of record (Lapksr: USPN 4,971,362; Wolff: 5,671,282; and Edelson: 5,737,539) does not teach or fairly suggest the combined steps of: 1) activating product cards identifying a particular pharmaceutical product, prior to issuing the product cards to a patient, having the activation by the prescriber include the prescriber communicatively linking the product card to a central computing station which records encoded information

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from the product cards into a database associated with the central computing station; and 2) validating an activated product card identifying particular pharmaceutical product at a pharmacy, wherein validation by the pharmacy includes communicatively linking the presented pharmaceutical product card with the central computing station to determine if the presented pharmaceutical product card has been activated (by the prescriber.)

Dependent claims 2-4 incorporate the allowable features of claim 1 are equally allowable.

Claim 5 is drawn toward a method of activating and validating pharmaceutical product media by communicatively linking the media to a central computing station. The closest prior art of record (Lapkser: USPN 4,971,362; Wolff: 5,671,282; and Edelson: 5,737,539) does not teach or fairly suggest the combined steps of: 1) activating product media identifying a particular pharmaceutical product, prior to issuing the media to a patient, wherein the activation by the prescriber includes the prescriber communicatively linking the media to a central computing station which records encoded information from the product media into a database associated with the central computing station; and 2) validating the product media, wherein validation by the pharmacy includes communicatively linking the presented pharmaceutical product media with the central computing station to determine if the pharmaceutical product media has been activated by a prescriber.

Dependent claims 6-8 incorporate the allowable features of claim 5 are equally allowable.

Similarly, claim 9 is drawn toward a system, which controls and tracks the transfer of pharmaceutical product media and the pharmaceutical product. The closest prior art of record (Lapkser: USPN 4,971,362; Wolff: 5,671,282; and Edelson: 5,737,539) does not disclose: prescriber terminals and pharmacy terminals receiving and reading data encoded on pharmaceutical product media assuming the form of individual product media slips and communicating that data to the central computing station to track and control the movement of pharmaceutical product media slips and the dispensing of a pharmaceutical product identified by the individual pharmaceutical product media slips.

Dependent claim 10 incorporates the allowable features of claim 9 and is equally allowable.

Claim 32 is drawn to a method of activating and validating pharmaceutical product media by communicatively linking the media to a central computing station. The closest prior art of record (Lapkser: USPN 4,971,362; Wolff: 5,671,282; and Edelson: 5,737,539) does not teach or fairly suggest the combined steps of: 1) activating the pharmaceutical product media prior to issuing the media to a patient, wherein the activation by the prescriber includes the prescriber communicatively linking the media to a central computing station which records encoded information from the media into a database associated with the central computing station; and 2) validating the product media, wherein validation by the pharmacy includes communicatively linking the presented pharmaceutical product media with the central computing station to determine if the pharmaceutical product media has been activated by a prescriber.

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Dependent claims 33-42 incorporate the allowable features of claim 32 are equally allowable.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is 703-305-0108. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703)305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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